

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

v.

**Civil No. 1:19-CV-18 (Kleeh)**

**BARBARA ARBLE, and  
HARRY ARBLE,**

**Defendants.**

ELECTRONICALLY  
FILED  
Feb 05 2019  
U.S. DISTRICT COURT  
Northern District of WV

**UNITED STATES' COMPLAINT FOR PERMANENT INJUNCTION**

Plaintiff, the United States of America (“United States”), through its undersigned counsel, hereby sues Defendants Barbara Arble and Harry Arble (“Defendants”) and alleges as follows:

**INTRODUCTION**

1. Starting as early as January 2011 and continuing to the present, the Defendants have assisted and facilitated a predatory wire and mail fraud scheme that primarily victimizes senior citizens of the United States. The scheme operates by contacting elderly victims to inform them that the victims have won a large amount of money in a lottery or sweepstakes, inducing victims to pay money in advance of receiving their purported winnings. The scam operators instruct victims to send payments through wire transfers, the United States Postal Service, and private and commercial interstate carriers.

2. The United States seeks to prevent continuing and substantial injury to consumers victimized by this fraudulent scheme by bringing this action for a permanent injunction and other equitable relief under 18 U.S.C. § 1345 to enjoin the ongoing commission of wire fraud, in violation of 18 U.S.C. § 1343, and mail fraud, in violation of 18 U.S.C. § 1341.

**JURISDICTION AND VENUE**

3. The Court has subject matter jurisdiction over this action under 18 U.S.C. § 1345 and 28 U.S.C. §§ 1331 and 1345.
4. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(1) and (2).

**PARTIES**

5. Plaintiff is the United States.
6. Defendants are residents of Bridgeport, West Virginia. Defendants transact or have transacted business in the Northern District of West Virginia. Defendants knowingly used money transmitting services to facilitate a fraudulent lottery scheme.

**DEFENDANTS' ONGOING FRAUDULENT SCHEME**

7. Since at least as early as January 2011, Defendants have assisted and facilitated a large-scale lottery scheme by accepting consumer payments and forwarding proceeds to perpetrators of the scheme.
8. Telemarketers working for the scheme contact consumers either by calling them or by sending them mailings through the United States Postal Service.
9. Telemarketers working for the scheme falsely inform consumers that the consumers have won a large amount of money in a lottery or sweepstakes.
10. Telemarketers working for the scheme induce consumers to pay money in advance of receiving their purported lottery winnings.
11. Telemarketers working for the scheme claim that consumers must pay a bond, tax, or other fee totaling from hundreds to thoughts of dollars in order to received their winnings.
12. Consumers that pay this "fee" receive no prize or cash award.

13. Telemarketers working for the scheme instruct consumers to pay the “fee” by sending wire transfers to other individuals in the United States or in Jamaica.

14. Telemarketers working for the scheme instruct consumers to pay the “fee” by sending money through the United States Postal Service, and private and commercial interstate carriers to other individuals in the United States or Jamaica.

15. Since at least January 2011, numerous consumers have been victimized by the fraudulent lottery scheme facilitated by the Defendants. Defendants play a critical role in accepting unauthorized or fraudulently-induced payments initiated by the telemarketers.

16. Defendants then forward the funds received from consumers to the scheme perpetrators in Jamaica and in the United States.

17. These transactions take place through wire transmissions and through the United States Postal Service, and private and commercial interstate carriers.

18. From January 2011, until present, Defendants have facilitated this scheme by transmitting approximately \$433,913.00 to the perpetrators and other facilitators of this scheme.

#### **DEFENDANTS’ KNOWLEDGE OF FRAUD**

19. Upon information and belief, the United States alleges that Defendants have knowledge that their conduct facilitates a fraudulent scheme involving false lottery winnings involving consumer payments.

#### **HARM TO CONSUMERS**

20. Consumers suffer financial losses from the wire fraud scheme facilitated by Defendants. Consumers victimized by the scheme reside throughout the United States.

21. The scheme disproportionately affects elderly consumers.

22. Absent injunctive relief by this Court, Defendants' conduct will continue to cause injury to consumers.

**COUNT I**  
**(18 U.S.C. § 1345 – Injunctive Relief)**

23. The United States re-alleges and incorporates by reference Paragraphs 1 through 22 of this Complaint as though fully set forth herein.

24. By reason of the conduct described herein, Defendants violated, are violating, and are about to violate 18 U.S.C. §§ 1343 and 1341 by executing a scheme and artifice to defraud for obtaining money or property by means of false or fraudulent representations with the intent to defraud, and, in so doing, use interstate and foreign wire communications, and the United States Postal Service and private and commercial interstate carriers.

25. Upon a showing that Defendants are committing or about to commit wire fraud or mail fraud, the United States is entitled, under 18 U.S.C. § 1345, to a permanent injunction restraining all future fraudulent conduct and any other action that this Court deems just to prevent a continuing and substantial injury to consumers.

26. As a result of the foregoing, the Court should enjoin Defendants' conduct under 18 U.S.C. § 1345.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, United States of America, requests of the Court the following relief:

That the Court issue a permanent injunction, pursuant to 18 U.S.C. § 1345, ordering that Defendants are restrained from engaging, participating, or assisting in any lottery or sweepstakes scheme or money transmitting business; and

That the Court order such other and further relief as the Court shall deem just and proper.

Respectfully submitted,

William J. Powell  
United States Attorney

By: /s/ L. Danaë DeMasi-Lemon  
L. Danaë DeMasi-Lemon  
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The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

United States of America

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)**DEFENDANTS**

Barbara Arble and Harry Arble

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Danae DeMasi-Lemon, U.S. Attorney's Office  
1125 Chapline Street, Suite 3000, Wheeling, WV 26003  
304-234-0100County of Residence of First Listed Defendant Harrison  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)          |
| <input type="checkbox"/> 2 U.S. Government Defendant            | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	PTF	DEF	PTF	DEF
<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability			<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander			<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability			<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability			<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle			<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input checked="" type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 891 Agricultural Acts
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<b>Habeas Corpus:</b>	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 899 Administrative Procedure
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<b>Other:</b>		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
<b>FEDERAL TAX SUITS</b>				
			<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
			<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
			<input type="checkbox"/> 740 Railway Labor Act	
			<input type="checkbox"/> 751 Family and Medical Leave Act	
			<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 791 Employee Retirement Income Security Act	
<b>IMMIGRATION</b>				
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 465 Other Immigration Actions	

**V. ORIGIN** (Place an "X" in One Box Only)

- |   |   |  |   |  |   |
|---|---|--|---|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation |
|---|---|--|---|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
Title 18, United States Code, Section 1345**VI. CAUSE OF ACTION**Brief description of cause:  
Anti-Fraud Injunction**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION  
UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No**VIII. RELATED CASE(S)**

IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

02/05/2019

FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD

*Danae DeMasi - demon*

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE